

MassDEP Underground Storage Tank Program

**Program Requirements
for Third Party Inspectors
Winter 2015 Workshops**



Welcome

- Introductions
 - Tom DeNormandie, Program Manager
 - Staff: Patti Mullan, Caroline Ganley
- Overview of Today's Workshop
 - Roll-out of new program
 - Highlights of regulations – 310 CMR 80.00



USTs in Massachusetts: Background & Program Goals

- Environmental Challenge
 - Threat to groundwater and surface water quality
 - MA: total of 9,700 systems located at 4,500 facilities
 - Store hazardous substances and petroleum products
- Program Goals
 - Protect public health and environment
 - Prevent releases/leaks
 - Save money: avoid clean-up costs



Regulatory History

- DFS Program since 1975 – 527 CMR 9.00
 - Required permits to install and remove tanks
 - Established rules for day to day operations
- UST program transferred to MassDEP in 2009
 - MassDEP administered UST program under 527 CMR 9.00
 - MassDEP begins developing new regulations
- Today
 - New Regulations: 310 CMR 80.00 Underground Storage Tank
 - Effective January 2, 2015
 - Replaces DFS regulations (527 CMR 9.00, rescinded Jan 1, 2015)



New UST Program

- What Has Changed?
 - MassDEP regulations – environmental code
 - DFS regulations – fire code
- What Has Not Changed?
 - Basic program structure
 - Many requirements stay the same
 - Examples: register tank, no single-walled tanks, TPI inspections every 3 years



Federal, State & Local Agencies Regulating USTs

- Federal: EPA
- State:
 - MassDEP
 - UST Program: day to day operations
 - Waste Site Clean-Up Program: reporting releases
 - Department of Fire Services: permitting authority and closure requirements
 - Department of Revenue
 - 21J program, certificate of compliance
- Local Agencies



Program Roll-Out

- First 120 days: January 2 – April 30, 2015
- Comply with 310 CMR 80.00
- Attend trainings and ask DEP questions
- Use existing forms
- Enforcement Discretion
 - Exception: Third-party inspections



Workshop Overview

- Summary of UST Requirements
- Key changes to the regulations
 - Upgrades
 - Inspections and Testing
 - Compliance Certification
 - Third-party inspections



Overview of UST Regulations

- Many of the requirements were in the Department of Fire Services regulations
- Organized and formatted to match the style of other MassDEP regulations



Is Your Tank Regulated?

- Tank and piping - must be 10% or more below the ground
- It must hold a regulated substance
- Some tanks are exempt
- Some tanks are minimally regulated



System Upgrades

- Spill buckets – 5 gallons
- Submersible pumps – install a sump by 1/1/19
- Ball floats – phase out as primary overflow protection
- Automatic line leak detector – install by 1/2/2016
- Single-walled steel tanks – pull by 8/7/2017



New Installation Requirements

- Drawings or as-built plans must be prepared for newly installed UST systems
- Can be prepared by the installer or a registered professional engineer
- The person who prepares the drawings or plans must inspect the UST system to ensure it is installed properly



Inspections and Testing

- Monthly inspections – different from DFS inspections
- Sump inspections and testing
- Spill bucket testing
- Overfill protection inspections and testing
- Leak detection testing



Responses to Failed Tests/Inspections

- Leak detection alarms or failed tests
 - Investigations
 - Tightness Testing
- Repairs
 - Tanks
 - Piping
 - UST components
- Response to Leakage or Release



Daily Inventory

- Not all UST systems have to perform daily inventory for abnormal product loss or abnormal water gain
- Tanks that no longer have this requirement must be:
 - Double-walled, and
 - Equipped with continuous monitoring
- New standard for determining a loss of regulated product (same as EPA)



Compliance Certification

- Submitted by the Owner or Operator every 3 years (18 months after third-party inspection)
- The Owner or Operator must certify compliance with certain requirements in the UST regulations
- There is a return to compliance component



Temporarily Out-of-Service

- If all regulated product is removed, UST system must be taken temporarily out-of-service or permanently closed
- UST system may be taken temporarily out-of-service for up to 5 years
- Maintain corrosion protection and financial responsibility
- Complete and submit third-party inspections and compliance certifications
- Tightness test before brought back into service



Financial Responsibility

- Key changes:
 - UST systems that hold petroleum products or hazardous substances need financial assurance
 - Owners and Operators that use the financial test or corporate guarantee have reporting requirements



Registration

- All new UST systems must be registered by the Owner within 30 days of receiving regulated substance into the UST system
- Registration must be updated within 30 days of a change
- The Owner or Operator (if authorized by the Owner) may update a registration



Recordkeeping

- Day-to-day operational records must be kept for 4 years
- Keep most recent copy of registration and third-party inspection
- Other records must be kept for the life of the UST system:
 - Records showing compliance with temporarily out-of- service status
 - Records of repairs
 - Installer's certification and checklist, testing results, inspections and a copy of the scaled drawing or as-built plans
- Cathodic protection as-built plans must be kept for the life of the cathodic protection system.
- Financial responsibility records must be kept as long as that financial assurance mechanism is used



Third-Party Inspections

- Inspection once every three years – same schedule
- Owner or Operator responsible for submission
- Contains a return-to-compliance component
- Plan ahead



Third-Party Inspection Program

- 2005 Energy Policy Act requires on-site inspection of USTs by the EPA or state delegated agency
- Department of Fire Services (state delegated agency) adopted a Third-Party Inspection model to meet the requirement for UST inspections
 - MassDEP continued the DFS Tank Program until issuing our own regulations
- MassDEP new regulations created a TPI certification program



Inspection Transition

- For the **next 12 months**, current TPIs can continue to perform inspections
- FP289 Third-Party Inspection form will continue to be used during the program roll-out



Current TPIs

- Must become certified in the new program to continue performing inspections after the initial 12 month period
- Get Certified
 - Have performed 10 inspections , and
 - Pass TPI Exam
- For a seamless transition, take and pass the exam within the next 12 months (by Jan 20, 2016)



New TPI Certification

- Demonstrate expertise in the field of UST installation, or operation and maintenance:
 - 5 years of work experience, **or**
 - 3 years of work experience plus a bachelors or associates degree in science or engineering
- Hands-on Experience
 - Assist at 10 TPIs with a registered TPI within the past 3 years, **or**
 - Hold TPI certification from another state, and have completed 10 TPIs within the past 3 years, **AND**



TPI Certification Exam

Take and pass all:

- MassDEP Certified Class A/B Operator *reciprocal* exam, **and**
- International Code Council (ICC) All 4 exams:
 - UST Installation and Retrofitting #U1
 - UST Decommissioning #U2
 - UST Tank Tightness #U3
 - UST Cathodic Protection #U4



TPI Exam Logistics

Take A/B Operator Reciprocal Exam on MassDEP website

- Cost \$75

Take ICC Exams at a Pearson Vue Test Center

- Cost \$75 per exam = \$300
- Computerized Testing Centers:
 - Metro Boston(3 locations)
 - Worcester
 - Springfield

Contact Pearson Vue 1-800-275-8301, or register at:

<http://www.iccsafe.org/Certification/Pages/ustastexams.aspx>

Information and study guides can be found at:

<http://www.iccsafe.org/Certification/Pages/ExamCandidates.aspx>



Professional Responsibility

At the time of inspection and for the year immediately preceding, the TPI shall not be:

- An **Owner or Operator** of the UST system being inspected
- An **employee or contractor** of the Owner or Operator of the UST system being inspected
- A person, or employee of a person, having any **financial interest** in or **daily on-site responsibility** for the UST system



Professional Responsibility continued

At the time of inspection and for the year immediately preceding, the TPI shall not be:

- The **designated Class A, B or C operator** of the UST system
- **A relative of the Owner or Operator**, who has performed work on the UST system
- **A relative of an employee or contractor** of the Owner or Operator, who has performed work on the UST system



TPI Certification Re-Cap

- Meet **eligibility** criteria and pass TPI **exam**
- Certification numbers issued by MassDEP
- Certification valid for 5 years
- Maintain your TPI Certification
 - Complete annual training provided by MassDEP
 - Keep certification records until TPI certification status is no longer valid
 - Renew at least 90 days before the certification expires



Key Elements of Third Party Inspection

1. Facility Registration – up to date?
 - Facility Owner/Operator-contact information
 - UST system information
 - Financial Responsibility
2. Operational Compliance – system installed and operating correctly?
3. Record Keeping – represents “compliance over time”
 - Day-to-day operations: facility keeps records for 4 years.
 - Inspection Reports
 - Monthly A/B Operator Inspections
 - Maintenance and Repair Records



TPI Inspection Results

What happens if there is non-compliance?

- Record non-compliance on TPI report
- Owner or Operator makes repairs
- If not repaired by compliance date, submit TPI report with a Return to Compliance Plan



Contact MassDEP

Web: www.mass.gov/dep/ust

- Bureau of Air and Waste UST Program
- Notification, Permits, Removal or Closure Forms
- Third Party Inspector Form
- Query tool for UST look-up



Email questions or submittals **dep.ust@state.ma.us**

Hotline for any questions related to UST
617-556-1035 ext. 2



MassDEP
Bureau of Air and Waste UST Program
PO Box 120-0165
Boston, MA 02112-0165



Thank you !

We look forward to working together.

Contact Information:

Web site @ <http://www.mass.gov/eea/agencies/massdep/toxics/ust/>

UST Hotline phone @ 617-556-1035

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